

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR INSPECTION OF PRECINCT VOTER
LISTS BY POLL WATCHERS; PROVIDING FOR THE APPOINTMENT OF POLL
WATCHERS.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-2-27 NMSA 1978 (being Laws 1969, Chapter 240,
Section 46, as amended) is amended to read:

"1-2-27. WATCHERS--APPOINTMENT.--

A. The county chairman of each political party represented on the ballot may appoint in writing two watchers for each precinct. If any county chairman fails to make the appointments, the precinct chairman of the political party may appoint in writing two watchers for the precinct. If any precinct chairman fails to make the appointments, or if no person properly appointed is present at the polling place and offers to serve, the voters present belonging to that political party may appoint in writing two watchers.

B. In a general election, a candidate for elected office and an election-related organization may appoint one watcher per polling place if the candidate or organization makes a written request to the secretary of state at least twenty days prior to the election date and specifies the polling place to be watched and the name of the qualified appointee. The secretary of state shall notify the county clerk of the qualified appointees at least ten days before the election. For the purposes of this section, "election-related organization" means a nonpartisan organization involved in voter turnout activities.

C. In a primary election any group of six candidates for county office for each political party participating in the election may appoint in writing an additional watcher for each precinct. No candidate, however, shall join in more than one request for an additional watcher.

D. In a primary election any group of three candidates seeking nomination for statewide or district office may appoint in writing one watcher for each of those precincts as they may desire. No candidate, however, shall join in more than one request for an additional watcher at any precinct."

Section 2. Section 1-2-29 NMSA 1978 (being Laws 1969, Chapter 240, Section 48) is amended to read:

"1-2-29. WATCHERS--PERMISSIBLE AND UNPERMISSIBLE ACTIVITIES.--

A. Upon presentation of his written appointment to the precinct board, a watcher may:

(1) be present from the time the precinct board convenes at the polling place until the completion of the counting and tallying of the ballots after the polls close;

(2) be permitted to observe that the election is being conducted in accordance with the Election Code;

(3) inspect the precinct voter list to ascertain whether a voter has voted, subject to the same prohibitions and restrictions as are placed upon challengers by the Election Code;

(4) examine any voting machine being used in the precinct in the same manner that challengers may examine the voting machines; and

(5) make in any polling place and preserve for future reference

written memoranda of any action or omission on the part of any member of the precinct board charged with the performance of a duty by the Election Code.

B. A watcher is subject to the same prohibitions and restrictions as are placed upon challengers by the Election Code."